

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DOMINIC NERVAL,)
Petitioner,)
v.) 1:20-cv-00122-JAW
RUSSELL WORCESTER,)
Respondent.)

**ORDER AFFIRMING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

On February 24, 2020, Dominic Nerval filed with the United States District Court for the District of Massachusetts a petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. *Pet. Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody* (ECF No. 1). On April 1, 2020, the case was transferred to this Court, and the next day the Magistrate Judge ordered the Attorney General for the state of Maine to file an answer. *Order to Answer* (ECF No. 7). The Attorney General responded on May 27, 2020, asking the Court to dismiss Mr. Nerval's petition. *Resp't's Mot. to Dismiss Pet. for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254* (ECF No. 8). On October 14, 2020, the Magistrate Judge issued a Recommended Decision, concluding that Mr. Nerval's claim under *Brady v. Maryland*, 373 U.S. 83 (1963) lacked merit and he failed to exhaust his other claims. *Recommended Decision on 28 U.S.C. § 2254 Pet.* (ECF No. 12) (*Recommended Decision*). Mr. Nerval did not object to the Recommended Decision.

The Court reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. The Court concurs with the recommendations of the Magistrate Judge for the reasons set forth in his Recommended Decision and determines no further proceeding is necessary.

1. The Court AFFIRMS the Recommended Decision of the Magistrate Judge (ECF No. 12).
2. The Court DISMISSES WITHOUT PREJUDICE Dominic Nerval's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (ECF No. 1).
3. The Court DENIES a certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2254 Cases.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 31st day of December, 2020